

United States Bankruptcy Court
District of Oregon

Ensign,
Plaintiff

Adv. Proc. No. 16-03043-tmb

U.S. Bank National Association,
Defendant

CERTIFICATE OF NOTICE

District/off: 0979-3

User: Admin.

Page 1 of 1

Date Rcvd: Aug 03, 2016

Form ID: pdf018

Total Noticed: 4

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 05, 2016.

pla +Laura A. Ensign, POB 564, Forest Grove, OR 97116-0564
pla +Stephen T. Ensign, POB 564, Forest Grove, OR 97116-0564
dft +U.S. Bank National Association, c/o Jesse A.P. Baker, 4375 Jutland Dr. #200, POB 17933,
San Diego, CA 92177-7921

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
ust +E-mail/Text: ustpreion18.pl.ecf@usdoj.gov Aug 04 2016 00:23:44 US Trustee, Portland,
620 SW Main St #213, Portland, OR 97205-3026

TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 05, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 3, 2016 at the address(es) listed below:

NONE.

TOTAL: 0

Below is an Order of the Court.


TRISH M. BROWN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re:)	Bankruptcy Case
)	No. 16-30920-tmb7
STEPHEN T. ENSIGN and)	
LAURA A. ENSIGN)	
)	
Debtors.)	
LAURA A. ENSIGN and STEPHEN T. ENSIGN,)	Adversary Proc. No. 16-03043-tmb
)	
Plaintiffs,)	
)	
v.)	ORDER RE: PLAINTIFFS' OBJECTION
)	TO ORDER
U.S. BANK NATIONAL ASSOCIATION, as trustee,)	
)	
Defendant.)	

On May 12, 2016, defendant U.S. Bank, National Association, as Trustee for GreenPoint Mortgage Funding Trust Mortgage Pass-Through Certificates, Series 2006-AR7 ("U.S. Bank"), moved to dismiss the above-captioned proceeding. ECF No. 3. The court held a hearing on U.S. Bank's motion on July 5, 2016. Following the July 5 hearing, the court entered a minute order (ECF No. 24) granting U.S. Bank's motion and granting Stephen and Laura Ensign ("Debtors") leave to file an amended complaint. On August 1, 2016, Debtors filed a document captioned Plaintiffs' Objection to Order (ECF No. 31, the "Motion"), in which they seek relief from the court's minute order of July 5. The court has construed the Plaintiffs' objection as a motion for relief from a judgment or order pursuant to Federal Rule of Civil Procedure 60(b) (applicable through Federal Rule of Bankruptcy Procedure 9024).

Page 1 - ORDER RE: PLAINTIFFS' OBJECTION TO ORDER

1 Debtors' Motion raises two points, both of which lack merit. First, Debtors contend that U.S. Bank
2 failed to comply with Federal Rule of Bankruptcy Procedure 7012(b), because defendant did not admit or
3 deny that the above-captioned proceeding is core or non-core. Rule 7012(b) only requires such an admission
4 or denial in a party's "responsive pleading." Pleadings are defined in Federal Rule of Civil Procedure 7(a)
5 (applicable through Federal Rule of Bankruptcy Procedure 7007). Instead of filing a responsive pleading,
6 U.S. Bank elected to file a motion to dismiss, a course of action that is authorized by the applicable rules.
7 Accordingly, because U.S. Bank never filed a responsive pleading, the requirements of Rule 7012(b) were
8 never triggered.

9 Second, Debtors state that U.S. Bank failed to timely file and serve the corporate disclosure statement
10 required by Federal Rule of Bankruptcy Procedure 7007.1. U.S. Bank filed its corporate disclosure
11 statement on June 30, 2016. ECF No. 23. Although the disclosure may not have been timely, Debtors were
12 not prejudiced and U.S. Bank's delay has no bearing on the question of whether Debtors' complaint was
13 properly dismissed. Rule 7007.1 is the Bankruptcy Court counterpart to Federal Rule of Appellate Procedure
14 26.1 and Federal Rule of Civil Procedure 7.1. *See* Fed. R. Bankr. P. 7007.1 advisory committee notes.
15 Noncompliance with such disclosure rules does not impact a court's jurisdiction and a court may excuse
16 noncompliance in cases where the opposing party is not prejudiced. *See Scheibler v. Highmark Blue Shield*,
17 243 Fed. Appx. 691, 694 (3d Cir. 2007) (purpose of Rule 7.1 disclosure statement "is to provide judges with
18 information to determine if any financial interests require the judge to disqualify him or herself from the
19 case;" failure to file disclosure statement is harmless error if the opposing party is not prejudiced).

20 For the reasons stated above, IT IS HEREBY ORDERED, that the Debtor's Motion is DENIED.

21 #####

22 cc: Debtors
23 Jesse A.P. Baker
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